

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EDWIN HORTON WITHERSPOON JR. 045899/
Plaintiff's Name and ID Number

TARRANT COUNTY CORRECTION CENTER
Place of Confinement

4-20CV-1150P

CASE NO. _____
(Clerk will assign the number)

V. BILL WATKINS, SHERIFF, TARRANT COUNTY, TEXAS
WESLEY MCDUFFIE, CHAPLAIN, TARRANT COUNTY, TEXAS
200 TAYLOR STREET, FORT WORTH, TX 76196

Defendant's Name and Address

TOM WALL, DEPUTY SHERIFF, TARRANT COUNTY, TEXAS
EDDIE HARRIS, LIEUTENANT, SHERIFF, TARRANT COUNTY, TEXAS

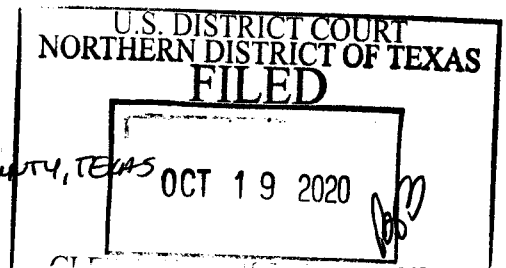
Defendant's Name and Address

EMILY PEDIGO, CAPTAIN, SHERIFF, TARRANT COUNTY, TEXAS

100 North Lamar Street, Fort Worth, Texas 76196

Defendant's Name and Address

(DO NOT USE "ET AL.")



INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? X YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: APRIL 2, 2020
2. Parties to previous lawsuit:
Plaintiff(s) EDWIN HORTON WITHERSPON JR
Defendant(s) BILL WAYBOWER, et al
3. Court: (If federal, name the district; if state, name the county.) NORTHERN DISTRICT, FORT WORTH DIVISION
4. Cause number: 4:20-CV-0313-0
5. Name of judge to whom case was assigned: JUDITH REED O'CONNOR
6. Disposition: (Was the case dismissed, appealed, still pending?) STILL PENDING
7. Approximate date of disposition: OCTOBER 27, 2020

II. PLACE OF PRESENT CONFINEMENT: TARRANT COUNTY CORRECTION CENTER

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? X YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: EDWIN HORTON WITHERSPOON JR - 0458991

100 North Lamar Street

Fort Worth, Texas 76196

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BILL WATBORN, SHERIFF, TARRANT COUNTY, TEXAS

200 TAYLOR STREET, FORT WORTH, TEXAS 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL OF EXERCISE TO RELIGION, ENFORCING RELIGIOUS BELIEFS ON
PLAINTIFF

Defendant #2: WESLEY Mc DUFFIE, CHAPLAIN, TARRANT COUNTY, TEXAS

200 TAYLOR STREET, FORT WORTH, TEXAS 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIAL OF EXERCISE TO RELIGION, IMPOSING RELIGIOUS BELIEFS ON PLAINTIFF

Defendant #3: TOM WALL, DEPUTY SERGEANT, TARRANT COUNTY, TEXAS

100 North Lamar Street, Fort Worth, TX 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Concerted acts + omissions in denying exercise to religion

Defendant #4: EDDIE HARRIAGE, DEPUTY LIEUTENANT, TARRANT COUNTY, TEXAS

100 North Lamar Street, Fort Worth, TX 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Concerted acts + omissions in denying exercise to religion

Defendant #5: EMILY PEDIGO, DEPUTY CAPTAIN, TARRANT COUNTY, TEXAS

100 North Lamar Street, Fort Worth, TX 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Concerted acts + omissions in denying exercise to religion

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

BILL BOYBOWN, through virtue of the SHERIFFS OFFICE, and keeper of the jail. has consented to state employees to interpret scripture and impose and enforce these interpretation on Plaintiff creating a substantial burden on Plaintiff

WESLEY McDUFFIE, by virtue of office, has interpreted scripture and forcing interpretation on the Plaintiff denying free exercise to religion.

TOM WALL, EDDIE HARRIAGE, and EMILY PEDIGO concurred with WESLEY McDUFFIE's interpretation and imposing a religious belief not associated with Plaintiff's freedom of exercise to religion

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

ORDER a TEMPORARY RESTRAINING ORDER, EXHAUST SURETY BONDS, PROHIBIT SAID ACTS FROM OCCURRING AGAIN.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

EDWIN HORTON WITHEKSPON JR.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ# 10179B1

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____


2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES X NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____


Executed on: 10/13/20
DATE

EDWIN HORTON WITHERSPOON JR

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 13th day of OCTOBER, 20 20.
(Day) (month) (year)

Edwin Horton Witherspoon Jr

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

EDWIN HORTON WITHERSPOON JR. §
0458991 PLAINTIFF §
§
v § CIVIL ACTION NO.
§
BILL WAYBURN, SHERIFF §
TARRANT COUNTY TEXAS §
DEFENDANT §
AND §
WESLEY McDUFFIE, CHPLAIN §
TARRANT COUNTY TEXAS §
DEFENDANT §
AND §
TOM WALL, SERGEANT §
EDDIE HARDIAGE, LIEUTENANT §
EMILY PEDIGO, CAPTAIN §
TARRANT COUNTY DEPUTIES §
DEFENDANTS §

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

EDWIN HORTON WITHERSPOON JR., SS# 239 and

TXDL # 744, the PLAINTIFF, complains of BILL WAYBURN,

SHERIFF, TARRANT COUNTY TEXAS, WESLEY McDUFFIE, CHAPLAIN,

TARRANT COUNTY TEXAS, TOM WALL, SERGEANT, EDDIE

HARRIAGE, LIEUTENANT, EMILY PEDIGO, CAPTAIN TARRANT

COUNTY TEXAS SHERIFF DEPUTIES, The Defendants and for

cause of action shows:

1. Selection of discovery level

The Plaintiff, Edwin Horton Witherspoon Jr. pleads

that discovery should be conducted in accordance with a

discovery control plan under Civil Procedure Rule 190.3

2. Parties and service of Citation

The plaintiff is a resident of TARRANT COUNTY, TEXAS

and at all times can be located and served at

100 North Lamar Street, Fort Worth, Texas 76106

The defendant's ~~is~~ are resident of TARRANT COUNTY, TEXAS

and at all times can be located and served at

a) 200 TAYLOR STREET, FORT WORTH, TEXAS 76106

b) 100 NORTH LAMAR STREET, FORT WORTH, TEXAS 76106,

JURISDICTION

3) Jurisdiction of the Court is one in which

a. Plaintiff resides in its jurisdiction. Plaintiff is

under Federal Civil Rules, and Local Rules 83.14 filing pro se

and as such is adhering to both local and federal

statutes. Defendant's are defined under Texas Occupation

Code 1701, Texas Gov. Code 653.001 + 614.02(3) and as such

Under Tex Gov Code 653.003 states that surety bond.

Sec. 406.010 obligates a surety to pay within certain limits a loss caused by a dishonest act of an officer or employee of a state agency. V.T.C.A. Gov Code 604.005(b) goes on to state "An injured party may sue separately on a bond until the bond is exhausted." Plaintiff brings this his suit under 42 U.S.C.A. § 1983 and Fed Civ R 7, 36(a)(1) arising out of the acts of the Defendant's depriving Plaintiff under the 1st Amendment, rights to practice his religion, and RLUIPA guidelines to freedom of such practices.

STATEMENT OF FACTS

4) On August 12, 2020, Plaintiff put in a request for a religious meal of KOSHER TO Chaplain Wesley

McDuffie, on August 28, 2020, response was to define my religious belief by McDuffie's own belief. On August 18, 2020, Plaintiff once again made a request to the Chaplain McDuffie, and response was "Duplicate Request" (Appendix A) On August 23, 2020, PLAINTIFF submitted grievance #G204884, alleging that Chaplain McDuffie violated Religious Land Use and Institutional Person Act ("RLUIPA") to seek religious accommodations pursuant to the same standard as Religious Freedom Restoration Act ("RFRA") of 1993, that no government shall impose a substantial burden on religious exercises. (Appendix B) Chaplain McDuffie that "KOSHER MEALS are reserved for those of JEWISH HERITAGE, can provide specific conversions, or can provide information of

the Rabbi they were working with prior to incarceration."

5) On September 1, 2020, Plaintiff filed another grievance, which was assigned the same file number (G204884) and stated that Chaplain McDuffie was violating 42 U.S.C. §§ 2000cc - 2000cc-5, gave the time of years of study and Rabbi Isaac who I was studying under, and went on to state my religious belief about forbidden food, uncleanness of touching such forbidden food and preparations and that violating God's command takes away His blessings, protection and communication from me. These commands are an important, integral part of the covenant between the people and God.

6) On September 12, 2020, Plaintiff filed another

grievance claiming a continual denial of religious

exercise and stated: Lev 11:33

"you shall not make yourself unclean by them so as to defile yourself"

Lev 3:17

"prohibits the consumption of fat or blood."

which through the denial is making Plaintiff defiled, and modifying my belief system to adhere to a standard in which the state is enforcing upon me.

2) On September 9, 2020, Plaintiff appealed the decisions on the grievance and on September 17, 2020, The appeal board gave their response (Appeal).

"you are keeping basic biblical commandments which are required by the Messianic Jewish Faith."

8) Deliberate Indifference

Plaintiff avers that the Defendants have placed a choice in which Plaintiff faces considerable pressure to abandon the religious exercise at issue. 42 U.S.C.A.

§§ 2000cc - 2000cc-5 :

"No government can impose a substantial burden on the religious exercise of a person residing in or confined to an institution. A 'substantial' burden under RLUIPA is when placing substantial pressure on an adherent to modify behavior and to violate the religious belief."

Defendants not providing or failing to authorize Plaintiff with foods appropriately to satisfy dietary laws of Plaintiff's religious belief was also violation of the First Amendment rights. *Prushinowski v Hambrecht*, 1983,

570 F.Supp 863.

9) The term "religious exercise" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief. The defendant's response as "no pork, pork products or other unclean/unlawful meats are served"... "kosher meals are reserved for those that are from Jewish heritage," are defining and compelling Plaintiff to a central belief system and interpreting scripture and forcing their own understanding upon Plaintiff.

10) "Faith means belief in something concerning which doubt is still theoretically possible." William James, *THE WILL TO BELIEVE*, 90 (1982). When inquiring into a claimant's sincerity is limited to asking whether he actually holds the belief he claims to hold. ELLIOT protects religious

exercise in *Smith*, 494 U.S. at 877, 110 S.Ct. 1595. "the exercise of religion" often involves not only belief and profession but the performance of (or abstention from) ~~and~~ from certain acts... "Neither must the religious claimant prove the exercise of issue is somewhat a fundamental of his faith. To avoid traps like these, Congress has directed courts to protect "any exercise of religion, whether or not compelled by, or central to, a system of religious belief 42 U.S.C. 2000cc-(5)(7)(A) Under this standard, it isn't for judges to decide whether a claimant who seeks to pursue a particular religious exercise has "correctly perceived the commands of his faith, or to become arbiters of scriptural

interpretation. *Thomas v Review Bd. of Ind Emp't*

Sec Division 450 US 707, 716, 101 S Ct 1425 (1981)

11) Specification of Injuries

As a direct and proximate result of the deliberate indifference of the defendant's, the Plaintiff has had to modify his belief or to strive and to violate the commands of God, becoming defiled. Plaintiff continues to suffer by Defendant's acts due to each Defendant defining and interpreting scripture and forcing that belief on Plaintiff. Defendant's statement that "is further assurance for you to know that you are keeping basic biblical commandments which are require by the messianic Jewish Faith," has crossed thresholds of imposing their understanding

and interpretation of scripture and forcing a continual injury to be defiled, and/or modify Plaintiff's behavior.

12) Damages

As a result of the denial to freedom to exercise religion, the Plaintiff has suffered physical and mental anguish and in all reasonable probability, the Plaintiff will continue to suffer by having to be forced to strive to keep the commands of God.

13) RELIEF

a) Plaintiff request a Temporary Restraining Order be issued to enjoin Defendant's from further denial of Plaintiff's religious exercise and provide Plaintiff's religious dietary law meals;

b) As defined on Texas Gov't Occupation Code 1701, which is held by V.T.C.A. Gov't Code §653.001 "STATE EMPLOYEE BONDING ACT" creates a surety bond for the Defendant's office. As such §653.003 a surety bond in Sec 406.010 obligates a surety to pay within certain limits caused by dishonest acts of an officer or employee of a state agency; failure ... to faithfully perform a duty of the officer's or employee's office or position.

As such V.T.C.A. Gov't Code §653.004(a)(1) required by the Constitution of the State §653.612 requiring a state officer or employee to obtain a surety bond, that §604.005(b) may sue separately on a bond until the bond is exhausted.

Therefore, Plaintiff request such exhaustion of all Defendant's bonds;

c) That Tex. Civ. Prac. & Rem. § 101.023 each defendant is
sue up to \$ 250,000⁰⁰ each for such acts that are shocking
to the public and prevention of further acts carried out towards
others;

WHEREFORE, the Plaintiff requests that the Defendant's
BILL WAYBORN, WESLEY McDUFFIE, TOM WALL, EDDIE HARRIAGE
and EMILY PEDIGO be cited to appear and answer and that
on final hearing the plaintiff have judgment against the
defendant for an amount within the jurisdictional limits
of the court, together with prejudgment and postjudgment
interest as provided by law, costs of court and for such
other and further relief, at law or in equity to which

Plaintiff is justly entitled.

Respectfully Submitted,



EDWIN HORTON WITHEREDSPOON JR

0458991

100 North Lamar Street

Fort Worth, Texas 76196

UNSWORN DECLARATION

I, declare and depose that the foregoing is a
true and correct statement of facts, given freely without
coercion, threat or promise of money, and given under
the penalty of perjury, Tex Civ Prac & Proc 132.001-132.002;

28 USC § 1746

Executed this the 13th day of October 2020




Edwin Horton Witheredspoon Jr

Plaintiff.

CERTIFICATE OF SERVICE

I, declare and depose that the PLAINTIFF'S
ORIGINAL PETITION has been forward and sent to
the below listed Defendants, post prepaid and placed in
the Green Bay, mail depository on October 13, 2020.



- 1) BILL WATKINS, SHERIFF
200 TAYLOR ST., FORT WORTH, TX 76196
Edwin Horton Witherspoon Jr.
100 North Lamar Street
Fort Worth, Texas 76196
- 2) WESLEY McDUFFIE, CHAPLAIN
200 TAYLOR ST., FORT WORTH, TX 76196
- 3) TOM WALL, SERGEANT
100 NORTH LAMAR STREET, FORT WORTH, TX 76196
- 4) EDDIE HARRIAGE, LIEUTENANT
100 NORTH LAMAR, STREET, FORT WORTH, TX 76196
- 5) EMILY PEDIGO, CAPTAIN
100 NORTH LAMAR STREET, FORT WORTH, TX 76196

APPENDIX A

REQUEST

8/18/2020

1) Request #099035503

Response:

Duplicate request

Summary of Request: Religious meal

8/18/2020

What is your specific request: I need to review my religious diet since my year is coming up. Can you please send me the necessary paperwork for my kosher diet

2) Request #098531333

8/28/2020

Response: No pork, pork products or other unclean/unlawful meats are served in any TC jail meal. Kosher meals are reserved for those that are from Jewish heritage, can provide specific conversion information or can provide information of the Rabbi they were working with prior to their incarceration. If you can provide any of the above information, your request will be considered. In the event you cannot, the advising Rabbi would approve lacto-vegetarian meals since you are new to that faith. You are already receiving lacto-vegetarian meals

Summary of Request: Religious Meal

8/12/2020

What is your specific request? I have been studying the Messianic Jewish rites and would like to apply for kosher meals please. Will you please send me the application. Thank you

Request # 100801943

SEPT 16, 2020

Response: As previously stated: No pork, pork products or other unclean/unlawful meats are served in any TC jail meal. Kosher meals are reserved for those that are from Jewish heritage, can provide specific conversion information or can provide information of the Rabbi they were working with prior to their incarceration. If you can provide any of the above information, your request will be considered. In the event you cannot, the advising Rabbi would approve lactovegetarian meals since you are new to that faith. You are already receiving lactovegetarian meals. Basic biblical commandments are kept.

Summary of Request: Religious meal

Sept 4, 2020

What is your specific request? I'm still waiting on the religious meal questionnaire for kosher. I don't know if your response from the last inquiry was from Mr. Duffy or not but PLUIPA prohibits inquiries into a centralized system under 42 USC 2000cc. I will provide answers of sincerity of my faith. Please send the app. Thank

Request # 101878103

Sept. 16, 2020

Response: As previously stated: No pork, pork products or other unclean/unlawful meats are served in any TC jail meal. Kosher meals are reserved for those that are from Jewish heritage, if you can provide specific conversion information or can provide information of the Rabbi they were working with prior to incarceration. If you can provide any of the above information, your request will be considered. In the event you cannot, the advising Rabbi would approve lactovegetarian meals since you are new to that faith. You are already receiving lactovegetarian meals. Basic biblical commandments are kept.

Summary of Request: Religious Meal Emergency

Sept 15, 2020

What is your specific request? It has now been over a month since my request to update my religious meal and my RLUIPA, RFRA, and 1st Amendment are being violated and denied. Please provide remedy to prevent civil actions occurring

APPENDIX B

GRIEVANCES

TARRANT COUNTY JAIL INMATE GRIEVANCE FORM

File Nbr. 620464

Press hard when writing

Name Edmund Witherspoon Jr. CID No. 0458991Housing Assignment 4/K1 Date August 23, 2020Is this an "American with Disabilities Act (ADA) Complaint? Yes ☐ No ☒

On August 12, 2020 and August 18, 2020, I placed a request to update my religious meal of Kosher. My response to the 18th was indicated as a duplicate, which states that the Chaplain Department is aware of my request. RLUIPA - Religious Land Use and Institutional Person Act allows prisoners to seek religious accommodations pursuant to the same standard as RFRA - Religious Freedom Restoration Act of 1993 which gives greater protection than the 1st Amendment. RLUIPA provides that "no government shall impose a substantial burden on the religious exercise" my practices and studying the Torah and the commands of God in LEVITICUS 17:14 "You are not to eat the blood of any flesh, for the life of all flesh is the blood." The Chaplain's office in its undue delay is imposing my religious exercise and protection. I've requested the necessary paperwork and still have not been given such this is further impeding on my relationship with God and His commandments. Please can I get the necessary paperwork to afford my exercise of religion and protection under RLUIPA.

EMERGENCY

GRIEVANCE OFFICE USE ONLY*****DO NOT WRITE BELOW THIS LINE

Grievance Officer FLETCHER Date 8/28/2020 Code 34 RELIGION

Referred to _____ Date _____ Time _____

Response by _____ Date _____ Time _____

GRIEVANCE SUMMARY RESPONSE

White Copy To File

Canary Copy To Inmate (Grievance Response)

Pink Copy For Inmate Retention

Tarrant County Sheriff's Office

Grievance Response Form

G204884	8/28/2020	FLETCHER		34. RELIGION
<i>Number</i>	<i>Received Date</i>	<i>Assigned To</i>	<i>Close Date</i>	<i>Classification</i>
41-K	WITHERSPOON, EDWIN HORTON		0458991	
<i>Housing</i>	<i>Name</i>		<i>CID</i>	

Grievance Response Summary

MR. WITHERSPOON, YOUR GRIEVANCE WAS RECEIVED IN OUR OFFICE FOR INVESTIGATION. YOU WILL RECEIVE A RESPONSE WITHIN 60 DAYS.

KOSHER MEAL REQ

"Grievance procedures are described in the Inmate Handbook. In the event you have lost or misplaced your Inmate Handbook, you may request a replacement from the housing officer."

Tarrant County Sheriff's Office

Grievance Response Form

RGTSRISON 7:23

G204884	8/28/2020	FLETCHER	8/31/2020	34. RELIGION
<i>Number</i>	<i>Received Date</i>	<i>Assigned To</i>	<i>Close Date</i>	<i>Classification</i>
41-K	WITHERSPOON, EDWIN HORTON		0458991	
<i>Housing</i>	<i>Name</i>		<i>CID</i>	

Grievance Response Summary

MR. WITHERSPOON, PER THE CHAPLAINS OFFICE: KOSHER MEALS ARE RESERVED FOR THOSE OF JEWISH HERITAGE, CAN PROVIDE SPECIFIC CONVERSION INFORMATION, OR CAN PROVIDE INFORMATION OF THE RABBI THEY WERE WORKING WITH PRIOR TO INCARCERATION. IF YOU CAN PROVIDE THAT INFORMATION TO THE CHAPLAIN OFFICE YOUR REQUEST FOR KOSHER MEALS WILL BE CONSIDERED. IF NOT THE ADVISING RABBI HAS APPROVEN A LACTOVEGETARIAN DIET THAT YOU ARE CURRENTLY RECEIVING.

"Grievance procedures are described in the Inmate Handbook. In the event you have lost or misplaced your Inmate Handbook, you may request a replacement from the housing officer."

TARRANT COUNTY JAIL

INMATE GRIEVANCE FORM

File Nbr. G204884

Press hard when writing

Name Edwin Witherspoon CID No. 0458991Housing Assignment 41 K1 Date 9/1/2020Is this an "American with Disabilities Act (ADA) Complaint? Yes ☐ No ☒

This is an appeal on the above grievance number. The response from the Chaplain is violating RLUIPA, RFRA, and Express Exercise rights. 42 U.S.C.A. §§ 2000ae-2, 2000ae-5. NO GOVERNMENT CAN IMPOSE A SUBSTANTIAL BURDEN ON THE RELIGIOUS EXERCISE OF A PERSON RESIDING IN OR CONFINED TO AN INSTITUTION. Chaplain Duffy's response is causing a substantial burden in exercising my religious practice and belief which causes me to modify my behavior and to violate those religious beliefs and practices. RLUIPA bars inquiry into whether a particular belief or practice is central to one's religion. Under my teaching for the last ten years of Rabbi Isaac, the priest are to ensure that forbidden food is not violated. That food acceptable is prepared as commanded by God and for the blessing to be given by the priest or Rabbi. These commandments are an important integral part of the covenant between the people and the God of Israel, and my belief and practices, which have been confirmed and illuminated during this incarceration. I have to adhere to God instead of man, and the Chaplain is causing to violate my belief.

GRIEVANCE OFFICE USE ONLY*****DO NOT WRITE BELOW THIS LINE

Grievance Officer FLETCHER Date 8/28/2020 Code 34

Referred to _____ Date _____ Time _____

Response by _____ Date _____ Time _____

GRIEVANCE SUMMARY RESPONSE

White Copy To File

Canary Copy To Inmate (Grievance Response)

Pink Copy For Inmate Retention

Tarrant County Sheriff's Office**Grievance Response Form**

G204884	8/28/2020	FLETCHER		34. RELIGION
<i>Number</i>	<i>Received Date</i>	<i>Assigned To</i>	<i>Close Date</i>	<i>Classification</i>
41-K	WITHERSPOON, EDWIN HORTON		0458991	
<i>Housing</i>	<i>Name</i>		<i>CID</i>	

Grievance Response Summary

MR WITHERSPOON, YOUR APPEAL WAS RECEIVED IN OUR OFFICE AND FORWARDED TO THE APPEAL BOARD FOR THEIR REVIEW. YOU WILL RECEIVE A RESPONSE AFTER THE INFORMATION HAS BEEN REVIEWED.

"Grievance procedures are described in the Inmate Handbook. In the event you have lost or misplaced your Inmate Handbook, you may request a replacement from the housing officer."

Emergency Religious Violation**TARRANT COUNTY JAIL
INMATE GRIEVANCE FORM**

File Nbr. _____

Press hard when writing

Name Edwin Witherspoon CID No. 0458991Housing Assignment 41 K1 Date Sept 1, 2020Is this an "American with Disabilities Act (ADA) Complaint? Yes ☐ No ☒

Request number 098531333 is in violation of RLUIPA, RFRA and Express Exercise of Religion and to practice thereof. Under Penal § 40 RLUIPA 42 U.S.C.A. §§ 2000cc-5, no government can impose a substantial burden on the religious exercise of a person residing in or confined to an institution. A "substantial" burden under RLUIPA is when placing substantial pressure on an adherent to modify behavior and to violate the religious belief. The term "religious exercise" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief. Although RLUIPA bars inquiry into a particular belief or practice is central to an individual's religion, it becomes "compulsory and imperious one." The denial of Kosher meals and the rites they carry out is being violated by the chaplain's office and there response in violation of RLUIPA, causing a civil action under 1983. Please resolve this issue and begin my Kosher meals.

GRIEVANCE OFFICE USE ONLY***DO NOT WRITE BELOW THIS LINE**

Grievance Officer _____ Date _____ Code _____

Referred to _____ Date _____ Time _____

Response by _____ Date _____ Time _____

GRIEVANCE SUMMARY RESPONSE

White Copy To File

Canary Copy To Inmate (Grievance Response)

Pink Copy For Inmate Retention

TARRANT COUNTY JAIL INMATE GRIEVANCE FORM

File Nbr. _____

Press hard when writing

Name Edwin Horton Witherspoon Jr CID No. 0458991
Housing Assignment H1 K1 Date 9/12/2020
Is this an "American with Disabilities Act (ADA) Complaint? Yes ☐ No ☒

Request # 100801943 and not being responded to is a furtherance
of denial of my religious beliefs. This acts by Duffy is causing me
to modify my belief system to adhere to a standard in which the state
and his position is enforcing on me. RULIWA states 1) a follower is forced
to choose between following the precepts of his religion and forfeiting benefits
otherwise generally available to other inmates versus abandonment of the precepts
of his religion in order to receive a benefit or 2) the government puts substantial
pressure on an adherent to substantially modify his behavior and to violate his
beliefs. Lev 3:17 prohibits the consumption of fat or blood" Lev 11:33 states
"if any creature is contacted with the uncleanness then it becomes unclean
when the trays are washed with others the tray become unclean, making the
food and myself unclean. This goes against the command of God in Lev 11:44
"you shall not make yourself unclean by them so as to defile yourselves" Duffy making
a standard to a centralized system which violates my belief, causing a modification
or to strain. There has been ample amount of time to correct but still has not

GRIEVANCE OFFICE USE ONLY*****DO NOT WRITE BELOW THIS LINE

Grievance Officer _____ Date _____ Code _____
Referred to _____ Date _____ Time _____
Response by _____ Date _____ Time _____

GRIEVANCE SUMMARY RESPONSE

White Copy To File

Canary Copy To Inmate (Grievance Response)

Pink Copy For Inmate Retention

EMERGENCY DECISIONS VIOLATION

TARRANT COUNTY JAIL INMATE GRIEVANCE FORM

File Nbr. _____

Press hard when writing

Name Edwin Horton Witherspoon Jr CID No. 0458991
 Housing Assignment 44 K1 Date 9/23/20
 Is this an "American with Disabilities Act (ADA) Complaint? Yes ☐ No ☒

Due to request # 101878103 response Chaplain McDuffie has
 violated my excuse to religion and interpreting the meaning of scripture
 thereby crossing boundaries outside the scope of his office.
 To prevent filing a civil action remedy of protecting the issuance
 of a religious writ of Habeas immediately and that no retaliation
 is given for the freedom to exercise under the 1st Amendment, will
 prevent from filing. Remedy is immediate and not to exceed past
 September 30, 2020

GRIEVANCE OFFICE USE ONLY*****DO NOT WRITE BELOW THIS LINE

Grievance Officer _____ Date _____ Code _____
 Referred to _____ Date _____ Time _____
 Response by _____ Date _____ Time _____

GRIEVANCE SUMMARY RESPONSE

White Copy To File

Canary Copy To Inmate (Grievance Response)

Pink Copy For Inmate Retention

APPENDIX C

APPEAL RESPONSE



TARRANT COUNTY SHERIFF'S OFFICE RESPONSE TO LEVEL I GRIEVANCE APPEAL

INMATE: Witherspoon, Edwin

CID: 0458991

GRIEVANCE NUMBER: G204884

APPEAL DATE: Wednesday, September 9, 2020

RESPONSE DATE: Thursday, September 17, 2020

CHAIRMAN: Sergeant Tom Wall

APPEAL TYPE: 34. RELIGION

RESPONSE: Mr. Witherspoon I have reviewed your grievance appeal and determined it is unfounded. You have been receiving a lactovegetarian diet since October 2019 after professing your Buddhist faith. In August 2020 you requested kosher meals stating you have been studying the Messianic Jewish Faith. Messianic Judaism declares its adherents shall not consume any of the unlawful animals listed in the Bible Old Testament Leviticus. Tarrant County Jail does not serve any of these animals and consuming a lactovegetarian diet is further assurance for you to know that you are keeping basic biblical commandments which are required by the Messianic Jewish Faith.

Sergeant Tom Wall

BOARD MEMBERS DECISION

I, Lieutenant Eddie Herriage, agree that the response is appropriate and in accordance with State Jail Standards.

Lt. Eddie Herriage

I, Captain Emily Pedigo, agree that the response is appropriate and in accordance with State Jail Standards.

Captain Emily Pedigo

Tarrant County Sheriff's Office

Grievance Response Form

G205732	9/24/2020	FLETCHER	10/1/2020	34. RELIGION
<i>Number</i>	<i>Received Date</i>	<i>Assigned To</i>	<i>Close Date</i>	<i>Classification</i>
41-K	WITHERSPOON, EDWIN HORTON		0458991	
<i>Housing</i>	<i>Name</i>		<i>CID</i>	

Grievance Response Summary

MR. WITHERSPOON, THIS MATTER WAS ADDRESSED IN YOUR APPEAL TO GRIEVANCE G204884.

"Grievance procedures are described in the Inmate Handbook. In the event you have lost or misplaced your Inmate Handbook, you may request a replacement from the housing officer."

Tarrant County Sheriff's Office**Grievance Response Form**

Number	Received Date	Assigned To	Close Date	Classification
G204884	8/28/2020	FLETCHER		34. RELIGION
41-K	WITHERSPOON, EDWIN HORTON		0458991	
Housing	Name		CID	

Grievance Response Summary

MR. WITHERSPOON, THE GRIEVANCE APPEAL BOARD HAS REVIEWED YOUR APPEAL AND DETERMINED IT UNFOUNDED. YOU HAVE BEEN RECEIVING A LACTOVEGETARIAN DIET SINCE OCTOBER 2019 AFTER PROFESSING YOUR BUDDHIST FAITH. IN AUGUST 2020 YOU REQUESTED A KOSHER MEAL STATING YOU HAVE BEEN STUDYING THE MESSIANIC JEWISH FAITH. MESSIANIC JUDAISM DECLARES ITS ADHERENTS SHALL NOT CONSUME ANY OF THE UNLAWFUL ANIMALS LISTED IN THE BIBLE OLD TESTAMENT LEVITICUS. TARRANT COUNTY JAIL DOES NOT SERVE ANY OF THESE ANIMALS AND CONSUMING A LACTOVEGETARIAN DIET IS FURTHER ASSURANCE FOR YOU TO KNOW THAT YOU ARE KEEPING BASIC BIBLICAL COMMANDMENTS WHICH ARE REQUIRE BY THE MESSIANIC JEWISH FAITH.

"Grievance procedures are described in the Inmate Handbook. In the event you have lost or misplaced your Inmate Handbook, you may request a replacement from the housing officer."

APPENDIX D

LETTER SENT TO
TARRANT COUNTY SHERIFF'S
OFFICE

Chaplain Wesley McDuffie

200 TAYLOR ST.

Fort Worth, TX 76196

September 23, 2020

Mr. McDuffie

Enclosed you will find the preparation for a 1983 civil action against you for violating my exercise to religion and interpreting the meaning of scripture, thereby crossing boundaries outside the scope of your office.

To prevent said filing of this civil action is to remedy by ordering the issuance of a religious meal of kosher immediately and that no retaliation is given for the freedom to exercise under the 1st Amendment.

Remedy is immediate and not to exceed past September 30, 2020, or suit will be pursued.

Sincerely

Edwin Horton Wetherspoon Jr

0458991

100 North Lamar Street

Fort Worth, TX 76196

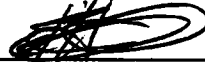
U.S. DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
CLERK OF COURT
501 WEST 10TH ST., Ste 310
FORT WORTH, TX 76102

OCTOBER 13, 2020

DEAR CLERK,

Enclosed please find the original and two copies
of PLAINTIFF'S ORIGINAL PETITION to be filed with
the Honorable Court and a stamped filed copy
to be returned to the address below

RESPECTFULLY



EDWIN HORTON HATCHER, JR.

0458991

100 NORTH LAUREL STREET

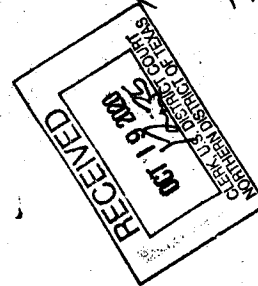
FORT WORTH, TEXAS 76196

Witherspoon Edwin #0458991

100 North Lamar Street
Fort Worth, TX 76196



LEGAL MAIL



U.S. DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
CLERK OF COURT
501 WEST 10TH ST, STE 310
FORT WORTH, TX 76102